

REMARKS

Claims 5 and 7 have been cancelled, claims 1-4 and 6-12 have been amended, and claims 13-17 have been added. Claims 1-4, 6 and 8-17 remain for further consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

1. Figures 1-3 currently stand objected to for failing to include the term "prior art".

Four Replacement drawings sheets for FIGs. 1-3 and FIG. 5A are enclosed herewith.

2. The drawings currently stand objected to for failing to include reference signs mentioned in the description.

The specification has been amended to obviate this objection.

3. Claims 1-12 currently stand objected to for having reference numerals inconsistent with the reference numerals in the drawings.

The claims have been amended to remove the reference numerals, which remained following the translation of the application from German to English.

Claim 1 currently stands objected to for having ambiguous language.

Claim 1 has been amended.

4-5. Claims 2-11 currently stand rejected under 35 U.S.C. §112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter that the applicant deems to be the present invention.

Claims 2-4 and 6-11 have been amended.

6-7. Claims 1-8, 10 and 12 currently stand rejected for allegedly being anticipated by U.S. Patent 6,543,569 to Shimizu (hereinafter "Shimizu").

As amended claim 1 recited an actuator for use in an automotive vehicle. The actuator includes:

"a gear and a mating gear each having teeth via which they engage with each other, movement and power being transmitted from the gear to the mating gear via effective profiles of their tooth faces and where each tooth face comprises a concave region and a convex region, characterized in that the effective profiles of the tooth faces of the gear and the mating gear are made such that a linear contact over the height (h_4 , h_5) of the teeth comes about when the teeth mesh, the contact being formed in such a way that always convex and concave faces of the teeth of the gear and mating gear are in contact with each other." (emphasis added, cl. 1).

Significantly, claim 1 recites that tooth faces of the gear and mating gear each comprise a concave region and a convex region. A fair and proper reading of Shimizu reveals that this prior art reference fails to disclose (or even suggest) that tooth faces of a gear and a mating gear each include a concave region and convex region. A 35 U.S.C. §102 rejection requires that a single prior art reference disclose each feature of the claimed invention. In the present case, Shimizu is incapable of anticipating claim 1 since this prior art reference fails to disclose tooth faces comprising both concave and convex regions. Accordingly, it is respectfully submitted that claim 1 is patentable over Shimizu.

New independent claims 15 and 17 are patentable for at least the same reasons as claim 1.

8-9. Claim 9 currently stands rejected for allegedly being obvious in view of the combined subject matter disclosed in Shimizu and U.S. Patent 2,760,381 to Pickles (hereinafter "Pickles").

It is respectfully submitted that this rejection is now moot since claim 1 is patentable for at least the reasons set forth above.

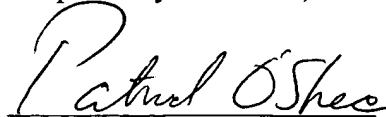
10. Claim 11 currently stands rejected for allegedly being obvious in view of the combined subject matter disclosed in Shimizu, Pickles and U.S. Patent 2,279,414 to Scott.

It is respectfully submitted that this rejection is now moot since claim 1 is patentable for at least the reasons set forth above.

For all the foregoing reasons, reconsideration and allowance of claims 1-4 and 6-17 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick O'Shea". The signature is written in dark ink and is positioned above the printed name and address.

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